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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** February 1, 2006

**Sp. Exception:** **A-522**

**TITLE:** Verizon Wireless

**REQUEST:** **RECOMMENDATION TO BOARD OF APPEALS**

**ADDRESS:** 9751 Washingtonian Blvd.  
(Marriott Hotel)

**ZONE:** MXD (Mixed Use Development)

**APPLICANT:** Jacqueline Karp for Verizon Wireless

**STAFF PERSON:** Caroline Seiden, Planner

**Enclosures:**  
Staff Comments  
Board of Appeals Case A-522 (Exhibit list provided)

## **STAFF COMMENTS**

Jackqueline Karp, on behalf of Verizon Wireless, "the applicant" is requesting a special exception to erect a telecommunications facility consisting of a generator on the ground and twelve (12) telecommunications antennae and related equipment cabinets on the rooftop of 9751 Washingtonian Boulevard in the Washingtonian Center.

The applicant proposes to construct, operate and maintain twelve (12) flush-mounted antennas, none of which will extend beyond the top of the rooftop structures. Four antennas will be mounted in each of three sectors on the north, east and south building elevations. Within each sector, Verizon plans to erect two different antenna models. One antenna measures 70" x 14" x 13", and the other antenna model measures 47"x 6"x 5". Verizon requires two types of antennas on the rooftop because the company operates at two different frequencies and needs a different antenna model for each frequency.

The petition also includes the installation of a rooftop equipment shelter, approximately 240 square feet (12' x 20') at a height of ten (10) feet. A generator measuring approximately 40 square feet at a height of eight (8) feet, to be used in the event of a power failure, will be located on the ground on the northwest side of the building. The generator will be enclosed within an eight 8.5 foot board on board fence and will be buffered from the parking lot by evergreen landscaping.

The petition complies with the requirements of §24-160D.3.(d), §24-167A(D)(2) and §24-189(b) of the Zoning Ordinance. A staff draft Resolution of Approval is listed as BOA Exhibit #17 and includes the following two conditions:

1. At such time as Verizon Wireless ceases to operate, the antennas, cabinets and associated equipment shall be removed.
2. Antennas mounted to the penthouse wall shall be colored to match the existing wall.

INDEX OF MEMORANDA  
**A-522**

No.

- 1) Application for Special Exception
- 2) Receipt of application fee
- 3) Statement of Applicant
- 4) Memorandum from Joe Joyce, Verizon Wireless, December 5, 2005
- 5) Memorandum from Matt Felix, General Manager, Washingtonian Marriott, November 18, 2005
- 6) Site Plan, Sheet C-1, reduced copies
- 7) Site Plan, Sheet C-1
- 8) Photo Simulations of Installation
- 9) Propagation Map Prior to Installation
- 10) Propagation Map After Installation
- 11) Antenna Specifications for LPA-80080/6CF
- 12) Antenna Specifications for LPA-185080/8CF
- 13) Certified Zoning map showing location of site
- 14) Letter requesting publication of the Legal Advertisement in the January 25, 2006 edition of the *Gaithersburg Gazette* with attached facsimile transmittal confirmation
- 15) Notice of Public Hearing as sent on January 25, 2006
- 16) List of Property Owners Notified
- 17) Draft Resolution

## BOARD OF APPEALS

## SPECIAL EXCEPTION APPLICATION

In accordance with Chapter 24, Article VII, Section 24-187-190 of the City Code

SUBJECT PROPERTY Marriott  
ADDRESS 9751 Washingtonian, Gaithersburg, MD 20878  
ZONING CLASSIFICATION MDX  
LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ SUBDIVISION \_\_\_\_\_

APPLICANT Verizon Wireless (Jacqueline M. Karp, agent) TELEPHONE (703) 851-6777  
ADDRESS 617 Tennessee Ave., Alexandria, VA 22305

SPECIAL EXCEPTION TYPE Proposed rooftop wireless telecommunications installation

## NATURE OF APPLICATION

Briefly describe application request referencing appropriate section of City Code.

Verizon Wireless requests a Special exception for a proposed rooftop Wireless telecommunications installation, as described in the attached plans and materials, pursuant to Sections 24-167A(C)(1) and 24-167A(D)(2).

List case numbers of all applications filed within the past three (3) years pertaining to any portion of subject property.

A-521

## SUBMISSION REQUIREMENTS

1. A written statement explaining the request to the Board of Appeals.
2. Supporting documentation, see list on reverse side.
3. Fees, see separate schedule.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Signature

Jacqueline M. Karp

Date

11/15/05

## SUBMISSION REQUIREMENTS

In accordance with Chapter 24, Article VII, Section 24-188(a)(I) of the City Code

An application for a special exception must go to the Planning Commission for a recommendation.

1. ☒ **A statement explaining in detail how the Special Exception is to be operated**, including hours of operation, number of anticipated employees, occupants and clientele, equipment involved and any special conditions or limitations which the petitioner proposes for the adoption by the Board of Appeals.
2. ☒ **Survey plats, siteplans or other accurate drawings** showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed from the nearest property lines.
3. ☒ **Plans, architectural drawings, photographs, elevations, specifications** of other detailed information depicting fully the exterior appearance of the existing and proposed construction, including parking and access, exterior lighting, and signs involved in the petition.
- N/A 4. ☐ **Plans showing conformance with City Environmental Standards for Development Regulation, Chapter 22 of the City Code, and additional landscape and lighting plan.**
5. ☒ **Copy of official zoning vicinity map** with a one-thousand-foot radius (circle) surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. (Zoning map is available from the Planning and Code Administration).
6. ☐ **List of names and addresses of adjoining and confronting property owners or occupants** within two hundred feet of the subject parcel. If such property is a condominium, cooperative, or owned by a homeowners' association the petitioner must provide their current address and that of their resident agent. (Information can be researched in Planning and Code Administration.)
7. ☐ **The lease, rental agreement or contract to purchase by which the petitioner's legal right to prosecute the petition is established**, if the petitioner is not the owner of the property involved, or the authorized agent of the owner.
8. ☐ **Applicable Master Plan maps** reflecting proposed land use, zoning and transportation, together with any other portions of the applicable Master Plan deemed pertinent by the petitioner. (Available from the Planning and Code Administration).
9. ☐ **All additional exhibits** which the petitioner intends to introduce and/or the identification of exhibits intended to be introduced at the public hearing.
10. ☐ **A summary of what the petitioner expects to prove**, including the names of petitioner's witnesses, summaries of the testimony of expert witness, and the estimated time required for presentation of the applicant's case.
11. ☐ **All expert reports shall be filed at least fifteen (15) days prior to the public hearing.**
12. ☐ **A list of names and addresses of persons whom you wish to notified of the public hearing**, other than adjacent property owners.
13. ☐ **Required fee.**

## CRITERIA

In accordance with Chapter 24, Article VII, Section 24-189(b) of the City Code

The Board of Appeals may grant a Special Exception if the proposed use:

- Is a permissible special exception within the zone and that the application therefor complies with all procedural requirements set forth in the article.
- Complies with standards and requirements specifically set forth for such use as may be contained in this chapter and the development standards for the zone within which the intended use will be located.
- Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity.
- Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures; as well as the intensity and character of activity, traffic and parking conditions and number of similar uses.
- Will be consistent with the Master Plan or other planning guides or capital programs for the physical development of the district.
- Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.
- Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements.
- When located in a residential zone where buildings or structures are to be constructed, reconstructed or altered shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screening or fencing.

MISCELLANEOUS PAYMENT RECPT#: 29835  
CITY OF GAITHERSBURG  
31 SOUTH SUMMIT AVE.  
GAITHERSBURG MD 20877-2098

DATE: 11/17/05 TIME: 16:34  
CLERK: mfullert 1  
CUSTOMER#:

PARCEL:

CHG: MISC OTHER MISCELLAN 4000.00  
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REVENUE:

1 100 441300 4000.00

ZONING/SUBDIVISION FEES

REF1: A-522 REF2:

CASH:

001 101000 CASH-NATIONS  
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4000.00 PAID AMT

400 PAID BY NAME  
NETWORK BUILD PAY METHOD  
CHECK

1627

AMT TENDERED:

AMT APPLIED: 4000.00

CHANGE: 4000.00

CITY OF GAITHERSBURG  
REVENUE ALLOCATION

PLANNING AND CODE ADMINISTRATION

Account # 470-940

Tax Exempt # 441-300

2005

Date 11-17-05

Application No. \_\_\_\_\_

Name Wetmore Building Co.

Description

A-522

Amount

4,000.00

Tax

Total Amount \$

4,000.00

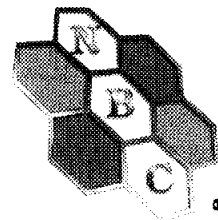
By (Cashier)

John To  
Wetmore

Payment Received

Stamp

# **NETWORK BUILDING & CONSULTING, LLC**



January 17, 2006

City of Gaithersburg  
Planning & Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877  
ATTN: Caroline H. Seiden, Planner

RE: Verizon Wireless  
Washingtonian site  
9751 Washingtonian Blvd.  
Zone: MDX

Dear Ms. Seiden:

Pursuant to Sections 24-167A(D)(1) and 24-167A(D)(2) of the Gaithersburg Zoning Ordinance, Verizon Wireless seeks a Special Exception from the Planning Commission at its meeting on February 1, 2006 and the Board of Zoning Appeals at its meeting on February 9, 2006 for the proposed telecommunications installation as described herein. The proposed installation is critical to Verizon Wireless's goal of providing state-of-the-art coverage and capacity in the vicinity of the I-270 and I-370 corridors. As you know, we submitted our original application on November 15, 2005, and this letter, along with the revised zoning drawings we submitted to you under separate cover (and via Federal Express) yesterday, is in response to your requests on January 3, 2006.

## **SITE DESCRIPTION**

Verizon Wireless proposes to install a rooftop telecommunications installation consisting of twelve (12) antennas flush-mounted on the rooftop of the 105-foot Marriott hotel at 9751 Washingtonian Blvd. The antennas will not extend beyond the tops of the rooftop structures and will be painted to match the structures to which they are mounted. The associated radio equipment will be located on the roof of the building, and a generator will be located on a ground-level platform.

The flush-mounted antennas will not be visually distinct from existing rooftop telecommunications equipment. By locating our facilities on this existing structure, Verizon Wireless's installation will have minimal visual impact on the surrounding area and will avoid the construction of new structures. Verizon Wireless plans to use the following two antenna models: six (6) of the Antel LPA-80063/6CF (measuring 70" x 14" x 13") and six (6) of the Antel LPA-185063/8CF (47" x 6" x 5"). Four (4) antennas will be at each sector (two of each type). This is because Verizon Wireless operates at two frequencies, the 800-900 MHz frequency, and the 1850-1900 MHz frequency, and needs one antenna model for each frequency at which it operates.

The proposed generator, which will enable Verizon Wireless antennas to continue operating in the event of a power failure, measures approximately 4' by 10' and will be located on the on the ground immediately adjacent to the northwestern corner of the building at least 10 feet from the nearest adjacent property line. It



will be surrounded by an 8-foot tall wooden board-on-board fence, as well as evergreens at least 8 feet in height at the time of planting. We proposed Norway spruce trees in the revised drawings sent to you yesterday, but we would be happy to consider similar evergreen trees at the request of the City.

The proposed equipment shelter, which will contain communications equipment connecting the proposed antennas to the larger Verizon Wireless network, will measure 12' in width by 20' in length by 10' in height. The shelter will be surrounded by screening which will match the material and color of existing rooftop structures.

Verizon Wireless will lease space from Marriott for the proposed site. Verizon Wireless has not completed lease negotiations with Marriott, but will submit a copy of its lease to the City as soon as a lease is fully executed. Attached please find a statement signed by the property manager of this Marriott allowing Verizon Wireless to file for zoning approval for a telecommunications facility at this parcel.

The proposed site will operate continuously, but will not require any employees or occupants. The site will be maintained with monthly visits by Verizon Wireless to ensure proper operation.

#### RADIO FREQUENCY NEED FOR PROPOSED SITE

Verizon Wireless seeks to improve its cellular network reliability and coverage. As the number of Verizon Wireless' customers on a given wireless network increases, there is a need to increase capacity on the network in order to provide instant service for emergency calls as well as normal business and personal calls.

The accompanying plots were prepared in support of Verizon Wireless' proposed design for enhancing wireless service caused by inadequate coverage and capacity needs around the I-370/I-270 Corridor.

The yellow portions of the attached map represent areas of "acceptable coverage." Acceptable coverage is defined as portable-in-car coverage where the cell phone user would have access to all of their services (make and receive calls, text messaging, access to voice mail, 1x RTT data and any other services provided in the service area). Acceptable coverage can also be referred to as reliable coverage; coverage where the customer will be able to use their phone without problems. The green portions of the attached map represent areas of "unacceptable coverage." Unacceptable coverage can also be referred to as unreliable coverage. The cell phone user may experience problems using their phone. As the accompanying plots show, Verizon Wireless service on portions of I-370 and I-270 is unacceptable. The proposed site would alleviate this deficiency.

#### CONFORMANCE WITH ZONING ORDINANCE

We respectfully submit that the proposed site is in conformance with applicable provisions of the Gaithersburg Zoning Ordinance. Those provisions are as follows:

*Sec. 24-167A. Satellite television antennas and towers, poles, antennas and/or other structures intended for use in connection with transmission or receipt of radio or television signals and/or telecommunications facilities.*

*(D) Telecommunications facilities.*

*1. Standards when allowed as permitted use. The following standards apply in those zones in which telecommunications facilities are allowed as a permitted use.*

*(a) An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop of buildings on privately owned land which are at least thirty (30) feet in height. An antenna may be mounted on the wall of a building facing the rear lot line at a height of at least thirty (30) feet. An antenna may not be mounted on the rear wall of a building on a through lot. A telecommunications facility antenna must not be mounted on the facade of any building designed or used as a one family residential dwelling.*

The building on which the proposed site will be located is at least 30 feet in height, and our antennas will be mounted well above 30 feet. The building on which the proposed site will be located is not a one-family residential dwelling.

*An unmanned equipment building or cabinet may be located on the roof of a building provided it and all other roof structures do not occupy more than twenty-five (25) percent of the roof area. Unmanned equipment buildings or cabinets that increase the roof coverage of all roof structures to occupy more than twenty-five (25) percent of the roof area may be approved by the board of appeals as a special exception in accordance with subsection 2 of this section.*

As shown on the attached drawings, the proposed site does not occupy more than twenty-five (25) percent of the roof area.

*(b) Telecommunications antennas may be attached to a free standing monopole on privately owned land. A free-standing monopole including antenna structure for a telecommunications facility is permitted up to one hundred ninety-nine (199) feet in height with a set back of one foot for every foot of height from all adjoining residentially zoned properties, and a set back of one-half ( 1/2) foot for every foot of height from adjoining non-residential properties.*

Verizon Wireless respectfully submits that this subsection does not apply to our proposed rooftop facility.

*(c) An unmanned equipment building or cabinet included as part of a telecommunications facility on privately owned land must not exceed five hundred sixty (560) square feet and twelve (12) feet in height. Any such equipment building or cabinet must be so located as to conform to the applicable set back standards of the zone in which the property is classified.*

As described above, our generator does not exceed five hundred sixty (560) square feet or twelve (12) feet in height.

*(d) Public property.*

*(i) A private telecommunications facility may be located on public property or attached to an existing structure owned or operated by the City of Gaithersburg and shall be a permitted use in all zones. The use of any property owned or operated by the city shall be at the discretion of the city council and shall not be subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The city council may but is not required to hold a public hearing prior to its decision to allow the use of property owned or under the control of the city.*

*(ii) A private telecommunications facility may be located on public property of or attached to an existing structure owned or operated by a county, state, federal or other non-city governmental agency or on the property of an independent fire department or rescue squad subject to the same conditions and requirements as are applicable to such facilities on privately owned property.*

Verizon Wireless respectfully submits that this subsection does not apply to the proposed site on private property.

*(e) All such antennas shall be located and designed so as to minimize visual impact on surrounding properties and from public streets.*

As shown in the enclosed drawings and photo simulations, the proposed antennas are located and designed so as to minimize visual impact on surrounding properties and from public streets.

*(f) No signs are permitted in connection with any telecommunications facility.*

*(g) No lights are permitted on any monopole or antenna unless required by the federal communications commission, the federal aviation administration, or the city.*

Verizon Wireless will not attach any signs or lights to the proposed site.

*(h) All monopoles erected as part of a telecommunications facility must maintain at least three (3) telecommunications carriers provided, however, that a monopole or other support structure designed or engineered to accommodate less than three (3) telecommunications carriers may be permitted by special exception when approved by the board of appeals.*

*(i) No more than one monopole is permitted on a lot or parcel of land and, no two (2) monopoles may be located within one thousand (1,000) feet of each other in any zone in which such facilities are permitted uses. In any such zone, more than one monopole may be permitted on a lot or parcel and two (2) or more monopoles may be located within one thousand (1,000) feet of each other by special exception approved by the board of appeals. A special exception to permit either the location of more than one monopole on a lot or parcel or two (2) or more monopoles within one thousand (1,000) feet of each other may only be approved by the board of appeals if the applicant establishes that existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility. In addition, any such application must comply with all of the other standards and requirements applicable to special exceptions for telecommunications facilities.*

Verizon Wireless respectfully submits that this subsection does not apply to our proposed rooftop facility.

*(j) Every free standing monopole or support structure and any unmanned equipment building or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by any telecommunication carrier.*

Verizon Wireless will remove any equipment buildings at its cost when the telecommunications facility is no longer in use.

2. *Standards and requirements applicable to special exceptions for telecommunications facilities.*
  - (a) *An application for a special exception for a telecommunication facility may be approved by the board of appeals if the board finds that:*
    - (1) *Complies with all of the standards contained in section 24-167A(D)1.*

As described above, Verizon Wireless submits that its proposed site complies with all standards contained in section 24-167A( D) 1.

- (2) *The location selected is necessary for the public convenience and service.*

As discussed in the “Radio Frequency Need for the Proposed Site” above, Verizon Wireless submits that the proposed site is necessary for coverage and capacity improvements in the Gaithersburg area.

- (3) *The location selected is not in an area in which there is an over concentration of freestanding monopoles, towers or similar structures.*

Admittedly, the proposed site already houses the facilities of other wireless carriers. That said, the proposed co-location on an existing structure avoids the construction of a new tower, and does not lead to an “over-concentration” of freestanding structures.

*(4) The location selected for a monopole is more than three hundred (300) feet from either the nearest boundary of a historic district or more than three hundred (300) feet from the nearest boundary of the environmental setting of a historic resource that is not within a historic district.*

*(5) The location selected for a monopole is suitable for the co-location of at least three (3) telecommunication antennas and related unmanned cabinets or equipment buildings and the facility is designed to accommodate at least three (3) antennas. The holder of a special exception may not refuse to permit the co-location of two (2) additional antennas and related equipment buildings or cabinets unless co-location is technically impractical because of engineering and because it will interfere with existing service. The refusal to allow such co-location without just cause may result in revocation of the special exception.*

Verizon Wireless respectfully submits that this subsection does not apply to our proposed rooftop facility.

*(6) In the event a telecommunications facility is proposed to be located on a rooftop or structure, the board of appeals must find that the building is at least thirty (30) feet in height in any multifamily residential zone or non-residential zone; and fifty (50) feet in height in any one family residential zone. Rooftop telecommunications facilities may not be located on a one family residence.*

The building on which the proposed site will be located is in a non-residential zone and is at least 30 feet in height. The building on which the proposed site will be located is not a one-family residential dwelling.

*(7) In the event a telecommunications antenna is proposed to be located on the facade of a building, the board of appeals must find that it is to be located at a height at least thirty (30) feet on a building located in a multifamily residential zone or non-residential zone and at a height greater than fifty (50) feet in any one family residential zone. A telecommunications antenna must not be mounted on the facade of a one family residence.*

Our antennas will be mounted well above 30 feet. The building on which the proposed site will be located is not a one-family residential dwelling.

*(8) In any residential zone the board of appeals must find that the equipment building or cabinet does not exceed five hundred sixty (560) square feet and twelve (12) feet in height, and is faced with brick or other suitable material on all sides and that the facades are compatible with the other building or buildings located on the lot or parcel. Equipment buildings and cabinets must be landscaped to provide a screen of at least three (3) feet. The board may require that monopoles: 1) be camouflaged; 2) be placed within a part of an existing structure; or 3) be constructed in such a way that the monopole appears to be part of an existing structure.*

Verizon Wireless respectfully submits that this subsection does not apply to the proposed site, which is in a non-residential zone.

*(9) The board must further find that any equipment building or cabinet is located in conformity to the applicable set back standards of the zone.*

The ground-level generator, as described above, will conform to the setback standards of the MDX zone and will be at least 10 feet from the nearest adjoining property line.

*(10) The board must find that the addition of an equipment building or cabinet proposed to be located on the roof of a building, in combination with all other roof structures does not create the appearance of an additional story and does not increase the roof coverage by more than an additional ten (10) percent. The board must also find that the structure is not visually intrusive.*

As described above, the proposed rooftop facility will not create the appearance of an additional story, and it will not increase the roof coverage by more than an additional ten (10) percent. We would also submit that the proposed rooftop equipment is not visually intrusive, especially in light of the existing telecommunications facilities already in place on this rooftop.

*(11) The board must also find that a free-standing monopole or other support structure is proposed to hold no less than three (3) telecommunications carriers. The board may approve a monopole or other support structure with fewer than three (3) telecommunications carriers if the applicant establishes that: (a) existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna; or (b) the applicant establishes that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility; and the approval of the application will not result in an over concentration of similar facilities in the surrounding area.*

*(b) Area requirements.*

*(1) The minimum parcel or lot area is sufficient to accommodate the location requirements for the monopole or other support structure as hereinafter set forth in subsection (c).*

*(2) In no event may the minimum parcel or lot area be less than the lot area required for the zone in which the monopole or support structure is located.*

*(3) For the purpose of this section, the location requirement is measured from the base of the monopole or other support structure to the perimeter property line.*

*(4) The board of appeals may, upon request of the applicant, reduce the location requirement to not less than the building set back for the applicable zone, provided the board makes the additional finding that the reduced location requirement results in a less visually obtrusive location for the monopole or other support structure. In making that additional finding, the board shall consider the height of the structure, topography, existing vegetation, planned landscaping, the impact on adjoining and nearby residential properties, if any, and the visibility of the monopole or other support structure from adjacent streets.*

*(c) Location requirements for structures. A monopole or other support structure must be located as follows:*

*(1) In residential zones, a distance of one foot from the property line for every foot of height of the monopole or other support structure.*

*(2) In non-residential zones, monopoles and other support structures must be located at a distance of one-half ( 1/2) foot from the property line of adjacent non-residentially zoned property for every foot of height of the monopole or other support structure. Such structures must be located a distance of one foot from the property line of adjacent residentially zoned property for every foot of height of such structure.*

Verizon Wireless respectfully submits that this subsection does not apply to our proposed rooftop site.

*(d) Signage. No signs are permitted in connection with the establishment of a telecommunications facility.*

*(e) Lights. No lights or other illumination devices are permitted on a monopole or other support structure unless required by the federal communications commission, the federal aviation administration or the board.*

*(f) Removal of telecommunications facilities. Every free-standing monopole or support structure and any unmanned equipment building or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by any telecommunication carrier.*

*Due to the extensive and prolonged review by regulatory agencies of applications for licenses to operate commercial radio or television broadcasting stations, the establishment of such use may be initiated for up to five (5) years from the date of the decision of the city council, or from the date of a final decision of any appeal filed therefrom. Appeals may be filed to any decision of the city council*

*under this subsection (C) of section 24-167A in the same manner as provided generally from appeals to decisions of the board of appeals under section 24-193 of this Code.*

Verizon Wireless will not attach any signs or lights to the proposed installation. We promise to remove every equipment building associated with this facility at our cost when the facility is no longer in use.

If you have any questions or need further information, please contact me at (703) 851-6777. Thank you for your assistance with this submission.

Sincerely,

Jacqueline M. Karp  
Zoning Project Manager  
Network Building & Consulting, LLC  
(consultants to Verizon Wireless)



Verizon Wireless  
MD/DC/VA/WV/E..N.C. Regional Network Group  
9000 Junction Drive  
Annapolis Junction, MD 20701  
(301) 512-2000

Joe Joyce  
Manager- Construction  
301. 512. 2438-Desk  
301. 512. 2186-FAX  
443.340.7359- Portable

December 5, 2005

Title: \_\_\_\_\_ RE: Washingtonian

Premises Located at: 9751 Washingtonian Blvd., Gaithersburg

The undersigned as does hereby consent that Jacqueline M. Karp, as an agent of Verizon Wireless, may make application to the City of Gaithersburg, Maryland and/or other governmental entity or agency for site plan approval, special permits, building permits, variances, and any other governmental or regulatory body having jurisdiction, including execution of any and all such applications in the name of the undersigned, for installing, removing, replacing, maintaining and operating a personal communications service including and without limitation, tower, base station, related antenna equipment and fixtures.

Dated: 12/5/05

Signature: Joseph E. Joyce

Name: Joseph E. Joyce

Telephone: 301-512-2438



RE:

Verizon Wireless Washingtonian Site

Premises Located at:

9751 Washingtonian Blvd., Gaithersburg, MD

The undersigned as GENERAL MANAGER of the above mentioned property, does hereby consent that Verizon Wireless, at its sole expense, may make application to the City of Gaithersburg, Maryland and/or other governmental entity or agency for site plan approval, special permits, building permits, variances, and any other governmental or regulatory body having jurisdiction, including execution of any and all such applications in the name of the undersigned, for installing, removing, replacing, maintaining and operating a personal communications service including and without limitation, tower, base station, related antenna equipment and fixtures.

Dated:

11/18/05

Signature:

[Signature]

Name:

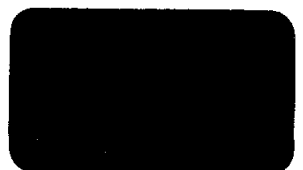
MATT FELIX

Title:

GENERAL MANAGER

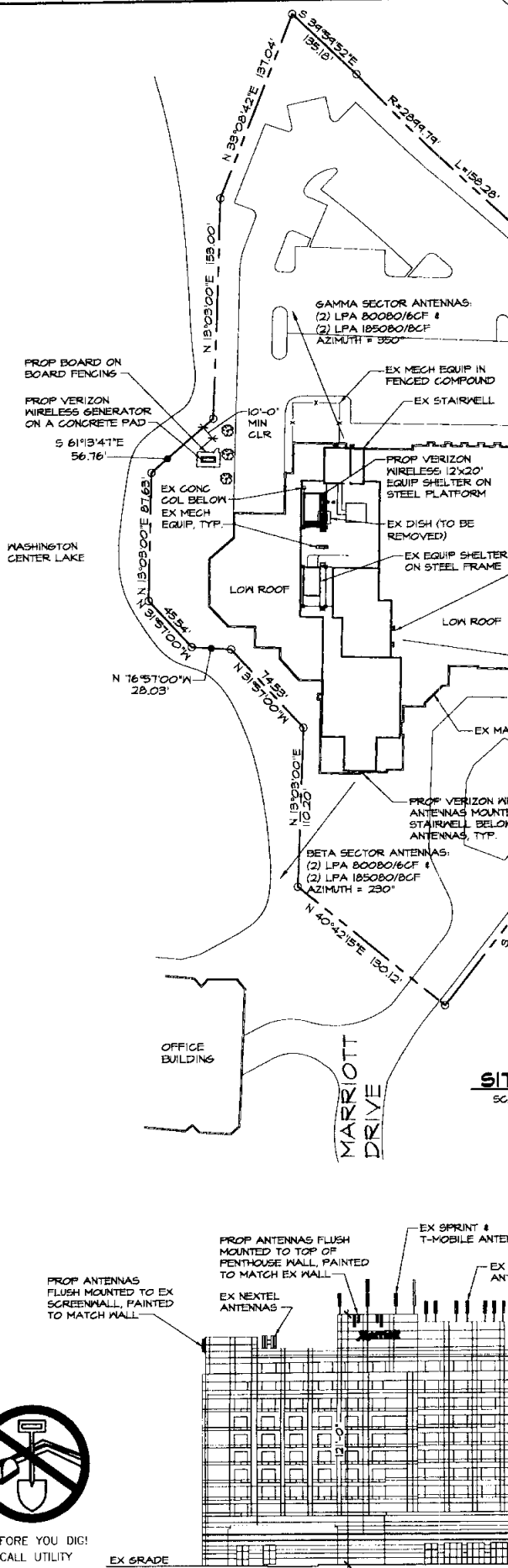
Telephone:

301-212-6100





A B C D P Q R



USES, A MONOPOLE OR OTHER SUPPORT STRUCTURE MUST BE LOCATED AS FOLLOWS:

2. ALL OTHER SUPPORT STRUCTURES MUST BE LOCATED AT A DISTANCE OF ONE-HALF (1/2) OF ADJACENT NON-RESIDENTIAL ZONED PROPERTY FOR EVERY FOOT OF HEIGHT OF STRUCTURE. SUCH STRUCTURES MUST BE LOCATED A DISTANCE OF ONE FOOT FROM THE IDENTIFIALLY ZONED PROPERTY FOR EVERY FOOT OF HEIGHT OF SUCH STRUCTURE.

3. CONNECTION WITH THE ESTABLISHMENT OF A TELECOMMUNICATIONS FACILITY.

4. TON DEVICES ARE PERMITTED ON A MONOPOLE OR OTHER SUPPORT STRUCTURE UNLESS

5. TATIONS COMMISSION, THE FEDERAL AVIATION ADMINISTRATION OR THE BOARD

6. FACILITIES. EVERY FREE-STANDING MONOPOLE OR SUPPORT STRUCTURE AND ANY UNMANNED

7. STATIONS. THE ESTABLISHMENT OF SUCH USE MAY BE INITIATED FOR UP TO FIVE (5) YEARS

8. THE CITY COUNCIL, OR FROM THE DATE OF A FINAL DECISION OF ANY APPEAL FILED

9. TO ANY DECISION OF THE CITY COUNCIL UNDER THIS SUBSECTION (C) OF SECTIONS 34-161A

10. ORIGINALLY FROM APPEALS TO DECISIONS OF THE BOARD OF APPEALS UNDER SECTIONS 34-161B

1800 PARCEL, 1421  
DISTRICT, 4TH  
NT: 02285022  
SC: 4128 PAGE: 585  
EA: 4.75 AC. +/-  
4751 WASHINGTON BOULEVARDE  
BATHERSBURG, MD 20618  
USE: COMMERCIAL

1. USED FOR TELECOMMUNICATIONS PURPOSES FOR A CONTINUOUS PERIOD OF 10 YEARS BY THE ANTENNA OWNER AT OWNERS EXPENSE.

2. ARE REQUIRED FOR THE OPERATION OF THIS FACILITY.

3. REST: CONSERVATION ACT APPLICABLE TO MONTGOMERY COUNTY CODE, CHAPTER 22A, SECTION 22A-50(M).

4. NO STORMWATER MANAGEMENT IS REQUIRED FOR THIS SITE.

5. WALL BE PAINTED TO MATCH THE EXISTING BUILDING FACADE.

6. RECORDS: EXISTING SITE FEATURES SHOWN PER EXISTING SITE PLAN BY MRA, DATED JANUARY 10, 1992

7. 2. BENEFIT OF A TITLE REPORT. PLAN IS SUBJECT TO EASEMENTS AND

8. 3. USED OR 'TYPICAL' FOR REFERENCE ONLY. FOR ACTUAL DETAILS, SEE CONSTRUCTION PLANS BY OTHERS.

9. 4. TO BE PERFORMED BY MRA AT CLIENT AND/OR OWNERS DISCRETION PRIOR TO

10. 5. ALL BE UNMANNED, WITH INFREQUENT VISITS (FOUR OR FEWER PER YEAR) BY THE ACCESS AND PARKING FOR NO MORE THAN ONE VEHICLE. THE PROPOSED STATION AND THEREFORE HANDICAP ACCESS IS NOT REQUIRED.

11. 6. SHELTER, ANTENNAS AND RELATED MOUNTING DEVICES DO NOT EXCEED

12. 7. 150' UTILITY (1-800-257-7777) 48 HOURS PRIOR TO DOING ANY

13. 8. CONTRACTOR SHALL CONTACT A SUBSURFACE UTILITY LOCATOR FOR 15' PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITIES.

14. 9. EXISTING UTILITY LOCATIONS BY TEST PIT AS NECESSARY.

15. 10. ON THIS PLAN ARE APPROXIMATE AND FOR PLANNING PURPOSES

16. 11. DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES

17. 12. NO AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL

18. 13. DAMAGED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE

19. 14. UNDERGROUND UTILITIES. DAMAGE TO UTILITIES OR PROPERTY OF

20. 15. DURING CONSTRUCTION SHALL BE REPAIRED TO PRECONSTRUCTION

21. 16. OR

22. 17. BE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES AND

23. 18. ON THEREOF.

24. 19. OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

25. 20. ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL

26. 21. AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING

27. 22. REVENUES OF THE PERMITS.

28. 23. ALL UTILITY CONNECTIONS WITH APPROPRIATE UTILITY OWNERS

29. 24. COORDINATION OR CONVEYANCE.

30. 25. R SURFACES DISTURBED BY CONTRACTOR (WHICH ARE NOT TO BE

31. 26. TO PRECONSTRUCTION CONDITIONS BY THE CONTRACTOR.



**GLOCK SMIDT  
ENGINEERING, INC.**  
1374 W. JARRETTSVILLE ROAD  
FOREST HILL, MARYLAND 21050  
PHONE: 410.893.9293  
FAX: 410.893.9295  
WWW.GSEL.COM

**MORRIS & RITCHIE  
ASSOCIATES, INC.**  
2200 O Street, Suite 200  
Towson, Maryland 21204  
410-821-1890  
410-821-1748 Fax

**verizon wireless**

**WASHINGTONIAN**

**SAITHERSBURG, MARYLAND**

REVISIONS:	
NO.	DESCRIPTION

LAST REV.:  
PROJECT NO: 10421.224  
DATE: January 12, 2006  
SCALE: AS NOTED

**Site  
Plan**

**SHEET:**

C-1



Marriott Rooftop



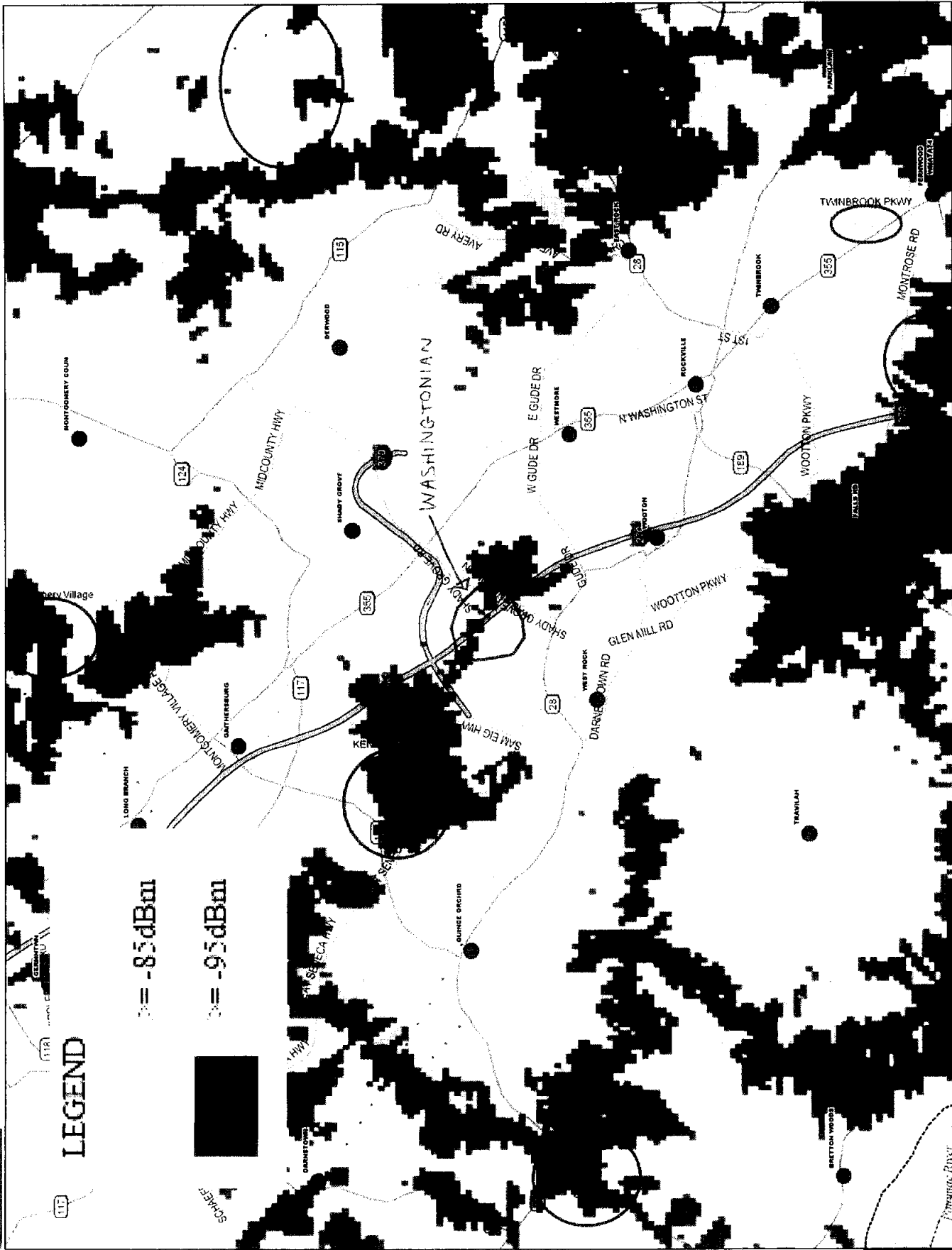




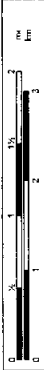
# LEGEND

≥ -85dBm

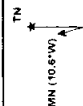
≥ -95dBm

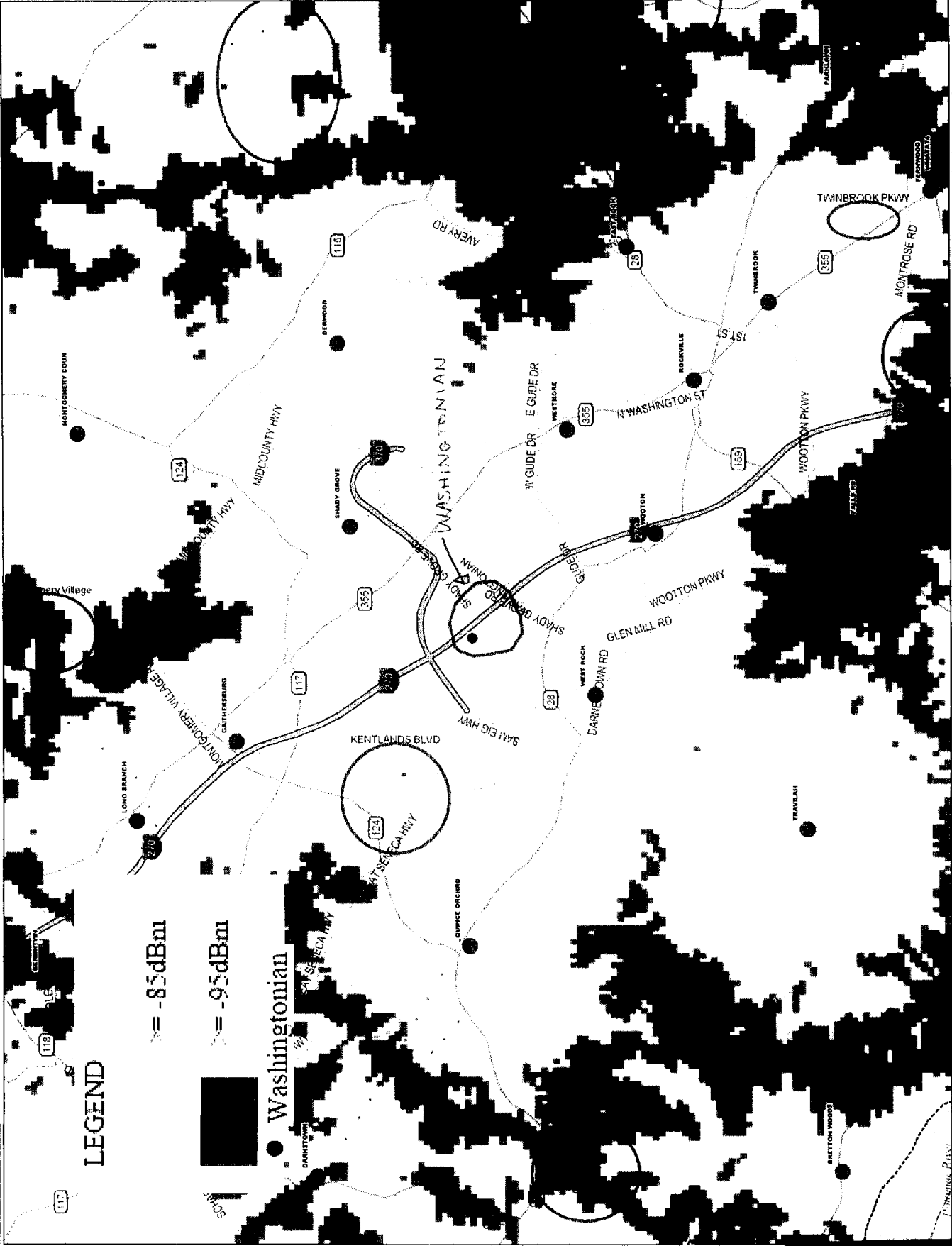


Scale 1: 81,250



1" = 1.28 mi Data Zoom 11-3



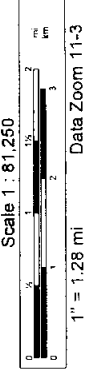


LEGEND

850dBm

950dBm

Washingtonian



TN  
MN (10.6°W)

# Vertically Polarized, Log Periodic 80° / 14 dBd

## LPA-80080/6CF

When ordering, replace " " with connector type.

### Mechanical specifications

Length	1800 mm	70.87 in
Width	140 mm	5.51 in
Depth	335 mm	13.19 in
<sup>4)</sup> Weight	9.53 kg	21 lbs
Wind Area		
Front	0.252 m <sup>2</sup>	2.71 ft <sup>2</sup>
Side	0.603 m <sup>2</sup>	6.50 ft <sup>2</sup>
Rated Wind Velocity (Safety factor 2.0)		
	>295 km/hr	>183 mph
Wind load @ 100 mph (161 km/hr)		
Front	415 N	93.3 lbs
Side	870 N	195.6 lbs

Antenna consisting of aluminum alloy with brass feedlines covered by a UV safe fiberglass radome.

### Mounting & Downtilting:

Mounting brackets attach to a pipe diameter of Ø50-102 mm (2.0-4.0 in).

Mounting bracket kit #21699998

Downtilt bracket kit #21699999

The downtilt bracket kit includes the mounting bracket kit.

### Electrical specifications

Frequency Range	806-960 MHz
Impedance	50Ω
<sup>3)</sup> Connector	NE, E-DIN
<sup>1)</sup> VSWR	≤1.4:1
Polarization	Vertical
<sup>1)</sup> Gain	14 dBd
<sup>2)</sup> Power Rating	500 W
<sup>1)</sup> Half Power Angle	
H-Plane	80°
E-Plane	10°
<sup>1)</sup> Electrical Downtilt	0°
<sup>1)</sup> Null Fill	10%
Lightning Protection	Direct Ground

<sup>1)</sup> Typical Values

<sup>2)</sup> Power Rating limited by connector only.

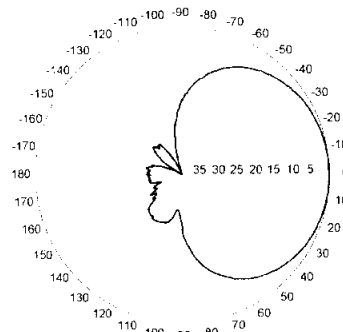
<sup>3)</sup> NE indicates an elongated N Connector.

E-DIN indicates an elongated DIN Connector.

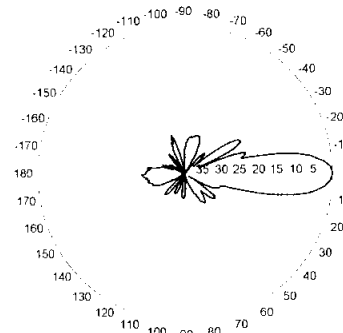
<sup>4)</sup> The antenna weight listed above does not include the bracket weight.

Improvements to mechanical and/or electrical performance of the antenna may be made without notice.

### Radiation-pattern<sup>1)</sup>



Horizontal



Vertical

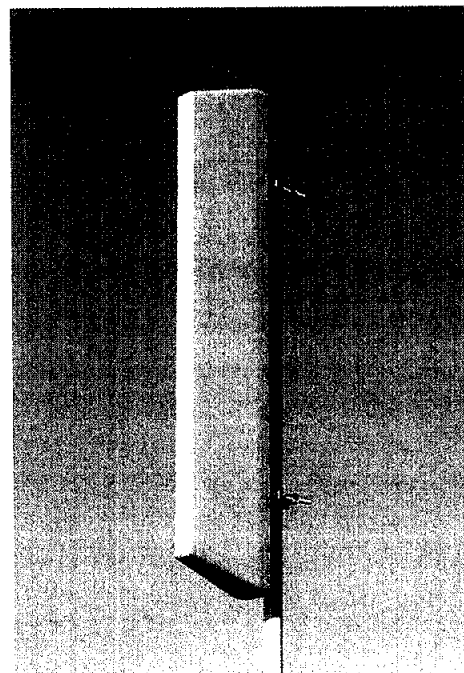
### Featuring upper side lobe suppression.

Radiation patterns for all antennas are measured with the antenna mounted on a fiberglass pole.

Mounting on a metal pole will typically improve the Front-to-Back Ratio.

CF Denotes a Center-Fed Connector.

806-960 MHz



Amphenol Antel's  
Exclusive 3T (True  
Transmission Line  
Technology)  
Antenna Design:

- True log-periodic design allows for superior front-to-side characteristics to minimize sector overlap.
- Unique feedline design eliminates the need for conventional solder joints in the signal path.
- A non-collinear system with access to every radiating element for broad bandwidth and superior performance.
- Air as insulation for virtually no internal signal loss.

Every Amphenol Antel antenna is under a five-year limited warranty for repair or replacement.

Antenna available with center-fed connector only.

**Amphenol  
Antel, Inc.**  
The Antenna Technology Company

# Vertically Polarized, Log Periodic 80° / 16 dBi

## LPA-185080/8CF

When ordering, replace "\_\_\_" with connector type.

### Mechanical specifications

Length	1204 mm	47.4 in
Width	104 mm	4.1 in
Depth	150 mm	5.9 in
4) Weight	3.2 kg	7.0 lbs
Wind Area		
Front	0.125 m <sup>2</sup>	1.35 ft <sup>2</sup>
Side	0.144 m <sup>2</sup>	1.55 ft <sup>2</sup>
Rated Wind Velocity (Safety factor 2.0)		
	>658 km/hr	>409 mph
Wind load @ 100 mph (161 km/hr)		
Front	202 N	45 lbs
Side	270 N	60.8 lbs

Antenna consisting of aluminum alloy with brass feedlines covered by a UV safe fiberglass radome.

### Mounting & Downtilting:

Wall mounted or pole tower mount with mounting brackets.

Mounting bracket kit #26799997

Downtilt bracket kit #26799999

The downtilt bracket kit includes the mounting bracket kit.

### Electrical specifications

Frequency Range	1850-1990 MHz
Impedance	50Ω
3) Connector	NE, E-DIN
1) VSWR	≤1.4:1
Polarization	Vertical
1) Gain	16 dBi
2) Power Rating	250 W
1) Half Power Angle	
H-Plane	80°
E-Plane	8°
1) Electrical Downtilt	0°
1) Null Fill	10%
Lightning Protection	Direct Ground

<sup>1)</sup> Typical Values

<sup>2)</sup> Power Rating limited by connector only.

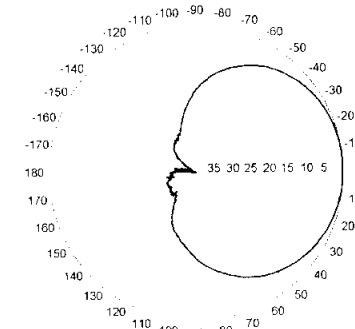
<sup>3)</sup> NE indicates an elongated N Connector.

E-DIN indicates an elongated DIN Connector.

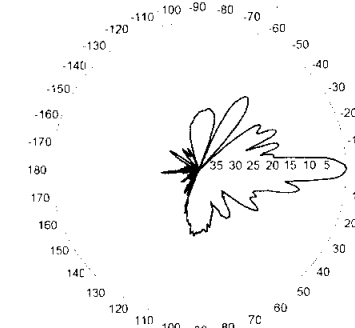
<sup>4)</sup> The antenna weight listed above does not include the bracket weight.

Improvements to mechanical and/or electrical performance of the antenna may be made without notice.

### Radiation-pattern<sup>1)</sup>



Horizontal



Vertical

Radiation patterns for all antennas are measured with the antenna mounted on a fiberglass pole.

Mounting on a metal pole will typically improve the Front-to-Back Ratio.



**Amphenol Antel's Exclusive 3T (True Transmission Line Technology) Antenna Design:**

- True log-periodic design allows for superior front-to-side characteristics to minimize sector overlap.
- Unique feedline design eliminates the need for conventional solder joints in the signal path.
- A non-collinear system with access to every radiating element for broad bandwidth and superior performance.
- Air as insulation for virtually no internal signal loss.

Every Amphenol Antel antenna is under a five-year limited warranty for repair or replacement.

Antenna available with center-fed connector only.

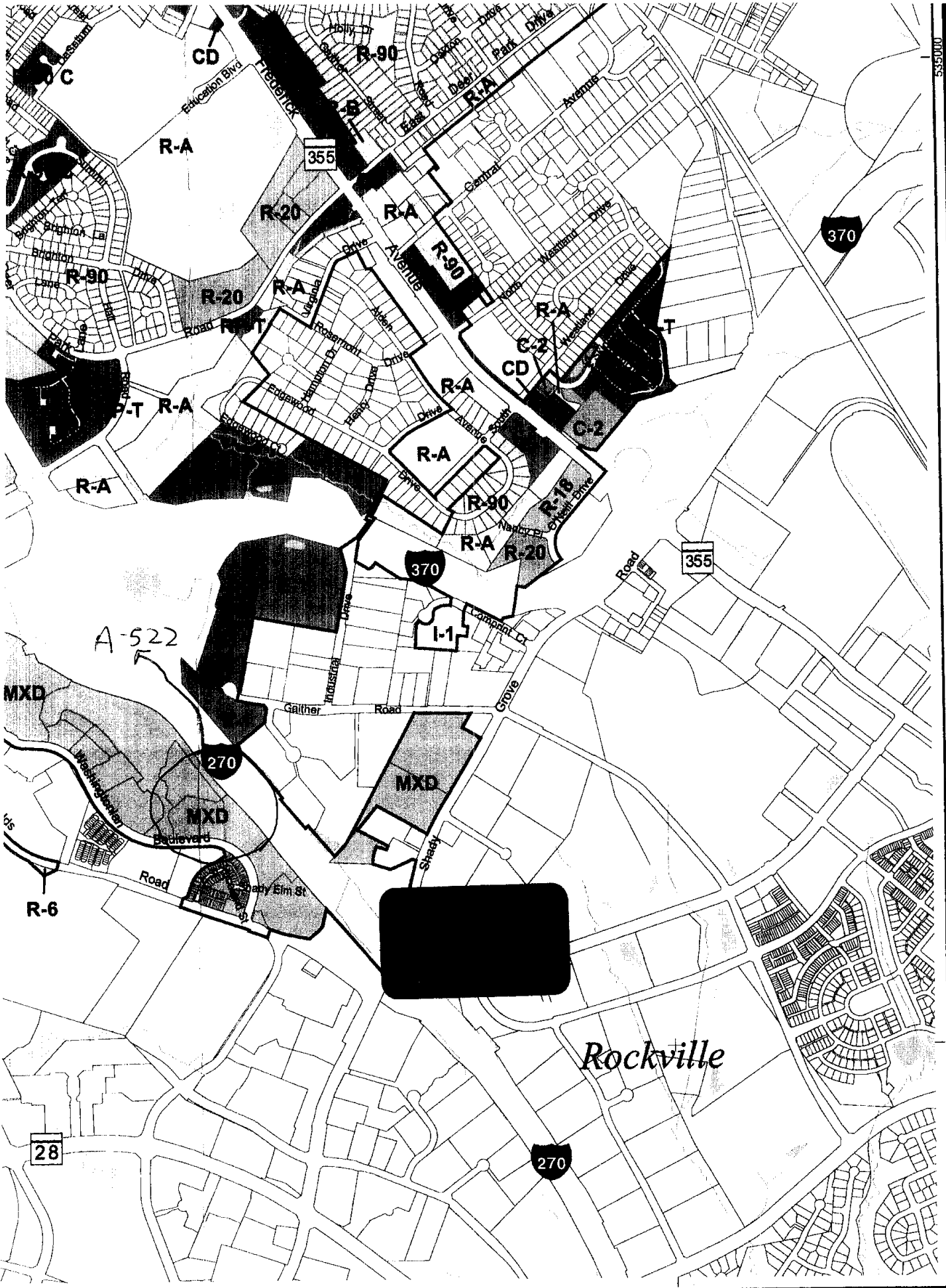
CF Denotes a Center-Fed Connector.

**1850-1990 MHz**

**Amphenol Antel, Inc.**  
The Antenna Technology Company

Rev





535000

525000



January 19, 2006

Ms. Karey Major  
Law Section  
The Gaithersburg Gazette  
P.O. Box 6006  
Gaithersburg, MD 20884

Dear Karey:

Please publish the following legal advertisement in the **January 25, 2006** issue of the *Gaithersburg Gazette*.

Sincerely,

Caroline Seiden  
Planner

chs

ASSIGN CODE: PHA-522/Acc. #133649

#### NOTICE OF PUBLIC HEARING

The Board of Appeals of the City of Gaithersburg will hold a public hearing on the special exception application A-522, filed by Ms. Jacqueline Karp on behalf of Verizon Wireless on

THURSDAY  
FEBRUARY 9, 2006  
AT 7:30 A.M.

or as soon thereafter as it may be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland. The application requests a Special Exception to erect a **Telecommunications facility** to include twelve (12) antennae and related equipment on the roof and a generator on the ground of 9751 Washingtonian Boulevard, Parcel A, Washingtonian Center, Gaithersburg, Maryland. The property is located in the MXD (Mixed Use Development) Zone as allowed by Section 24-160D.3 (d) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Caroline Seiden  
Planner

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Michael A. Sesma

CITY MANAGER  
David B. Humpton

MODE = MEMORY TRANSMISSION

START=JAN-19 10:01

END=JAN-19 10:18

FILE NO.=181

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:40

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



**Gaithersburg**

A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO:

Karey Major  
Gazette

FAX NO.:

FROM:

Caroline Seiden

FAX NO.:

TELEPHONE NO.:

301-258-6330

DATE:

1/19/06

TIME:

NO. OF PAGES ATTACHED:

1

MESSAGE:

Karey: Attached legal ad for the 1/25/06  
Gaithersburg Gazette. Thanks!

E-mail version to follow -Caroline

**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330**

City of Gaithersburg 31 South Summit Avenue Gaithersburg, MD 20877-2098  
plancode@gaithersburgmd.gov www.gaithersburgmd.gov

**MAYOR**  
Sidney A. Katz

**CITY COUNCIL MEMBERS**  
Stanley D. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Michael A. Sesma

**CITY MANAGER**  
David B. Humpton

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330  
**BOARD OF APPEALS**  
**NOTICE OF PUBLIC HEARING**

The City of Gaithersburg Board of Appeals will conduct a Public Hearing on a Special Exception as noted below.

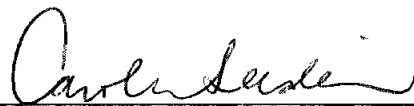
*Application Type:* **SPECIAL EXCEPTION**  
*File Number:* **A-522**  
*Location:* **9751 WASHINGTONIAN BOULEVARD**  
*Petitioner:* **JACQUELINE KARP FOR VERIZON WIRELESS**  
*Day/ Date/Time:* **THURSDAY, FEBRUARY 9, 2006, 7:30 P.M.**  
*Place:* **COUNCIL CHAMBERS**  
**31 SOUTH SUMMIT AVENUE**

In accordance with Section 24-160D.3. and Section 24-187, of the City of Gaithersburg Zoning Ordinance, the Board of Appeals will conduct a public hearing on the above-referenced application in the Council Chambers at City Hall, 31 South Summit Avenue, on **Thursday, February 9, 2006** at 7:30 p.m. or as soon thereafter as this matter can be heard. In addition, the Planning Commission will be reviewing the above-referenced application on **Wednesday, February 1, 2006** at 7:30 p.m. in the Council Chambers at City Hall.

The application requests a Special Exception to erect **twelve (12) telecommunications antennae and related equipment** on the rooftop of the Marriott Hotel, 9751 Washingtonian Boulevard, Parcel "A", Washingtonian Center, Gaithersburg, Maryland. The property is located in the MXD (Mixed Use Development) Zone. The special exception is allowed by Section 24-160D.3.(d) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) in compliance with Section 24-167A(D)(2).

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

CITY OF GAITHERSBURG

By:   
Caroline H. Seiden  
Planner  
Planning & Code Administration

(OVER)

NOTICES SENT THIS 25TH DAY OF JANUARY, 2006, TO:

APPLICANT:

Ms. Jacqueline Karp, Network Building and Consulting, LLC

INTERESTED PARTIES AND PROPERTY OWNERS WITHIN 200 FEET OF SUBJECT PROPERTY:

(A complete list is available in the Planning and Code Administration.)

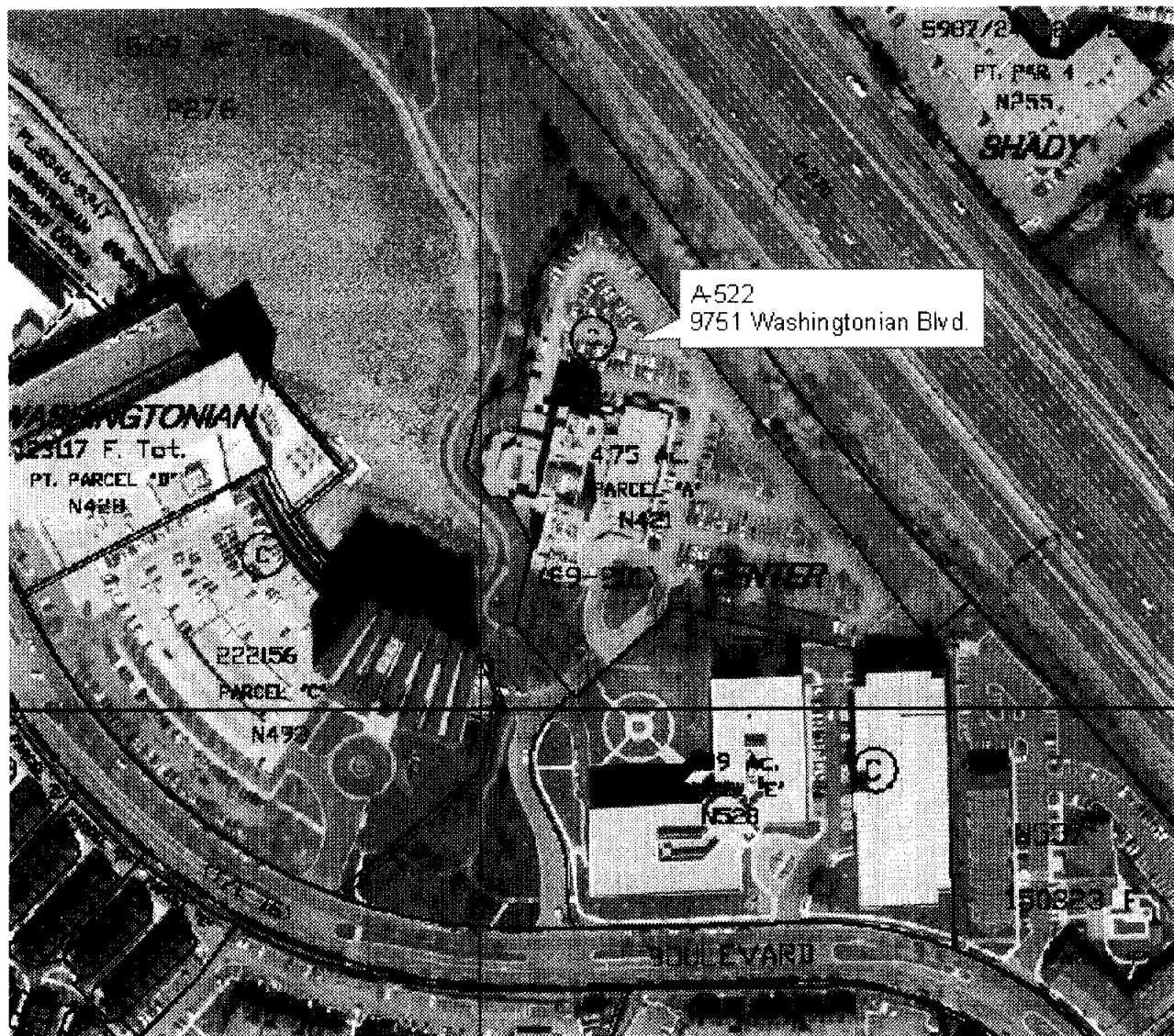
CITY STAFF:

Dave Humpton, City Manager  
Cathy Borten, City Attorney  
Britta Monaco, Public Information Office  
Doris Stokes, City Manager's Office  
Greg Ossont, Director, Planning &  
Code Administration  
Trudy Schwarz, Community Planning Dir.  
Wes Burnette, Director, Permits & Inspections  
Jeff Baldwin, City Web Administrator (via email)

BOARD OF APPEALS MEMBERS:

Harvey Kaye, Chairperson  
Richard Knoebel, Vice Chairperson  
Gary Trojak  
Victor Macdonald  
Carol Rieg, Alternate

PLANNING COMMISSION



9801 WASHINGTON OFFICE INC  
C/O SPAULDING & SLYE  
9801 WASHINGTONIAN BLVD  
GAITHERSBURG MD 20878

AIRLINE FOODS INC  
10400 FERNWOOD RD  
BETHESDA MD 20817

INNKEEPERS RI GENERAL LP  
306 ROYAL POINCIANA WAY  
PALM BEACH FL 33480

JACQUELINE M. KARP  
NETWORK BUILDING & CONSULTING  
812 OREGON AVENUE  
SUITE E  
LINTHICUM MD 21090

LUCKY BECHTEL PRITNRS I LTD PTNSHP  
C/O FREEMONT PROPERTIES  
199 FREMONT ST STE 2200  
SAN FRANCISCO CA 94105

OCCUPANT  
9737 WASHINGTONIAN BLV SUITE 101  
GAITHERSBURG MD 20878

OCCUPANT  
9751 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L10  
GAITHERSBURG MD 20878

OCCUPANT  
9719 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L6  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV FLOOR 2  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L25  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 400  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 17  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 18  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 500  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 600  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 19  
GAITHERSBURG MD 20878

OCCUPANT  
9721 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9723 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 9  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 10  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 11  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 12  
GAITHERSBURG MD 20878

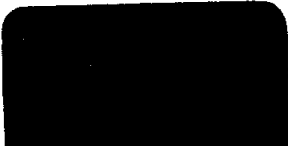
OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 13  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 14  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 15  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 16  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE 8  
GAITHERSBURG MD 20878



OCCUPANT  
9801 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 220  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 210  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 510  
GAITHERSBURG MD 20878

OCCUPANT  
9737 WASHINGTONIAN BLV SUITE 400  
GAITHERSBURG MD 20878

OCCUPANT  
9737 WASHINGTONIAN BLV SUITE 401  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 1217  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L9  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 200  
GAITHERSBURG MD 20878

OCCUPANT  
9737 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9727 WASHINGTONIAN BLV  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L17  
GAITHERSBURG MD 20878

OCCUPANT  
9811 WASHINGTONIAN BLV SUITE L11  
GAITHERSBURG MD 20878

OCCUPANT  
9801 WASHINGTONIAN BLV SUITE 550  
GAITHERSBURG MD 20878

RIO CENTER ASSC LP  
C/O CIRCLE MANAGEMENT CO  
P O BOX 9996  
WASHINGTON DC 20016

SOUTH BAY CLUB APT VAN NUYS  
C/O V RUDINICA R&B GRP  
2222 CORINTH AVE  
LOS ANGELES CA 90064

SOUTH BAY CLUB APT VAN NUYS  
C/O V RUDINICA R&B GRP  
2222 CORINTH AVE  
LOS ANGELES CA 90064

**DRAFT**

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland  
(301) 258-6330

**BOARD OF APPEALS  
RESOLUTION APPROVING**

AN APPLICATION REQUESTING A SPECIAL EXCEPTION TO ERECT A TELECOMMUNICATIONS FACILITY, INCLUDING GROUND EQUIPMENT AND TWELVE (12) ANTENNAS AND RELATED EQUIPMENT CABINETS ON THE ROOFTOP OF 9751 WASHINGTONIAN BOULEVARD, PARCEL A, WASHINGTONIAN CENTER, GAITHERSBURG, MARYLAND. THE PROPERTY IS LOCATED IN THE MXD (MIXED USE DEVELOPMENT) ZONE AND THE USE IS ALLOWED BY SECTION 24-160D.3 OF THE ZONING ORDINANCE (CHAPTER 24 OF THE CITY OF GAITHERSBURG CODE).

**A-522**

**OPINION**

This matter has come before the Board of Appeals as a special exception petition, by Verizon Wireless to erect a telecommunications facility consisting of twelve (12) telecommunications antennas and related equipment cabinets on the rooftop of 9751 Washingtonian Boulevard, Parcel A, Washingtonian Center, Gaithersburg, Maryland. The application also includes related ground equipment on the property. The property is located in the MXD (Mixed Use Development) Zone. The special exception is allowed by §24-160D.3. of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) in compliance with §24-167A(D). The Board's authority in these matters is provided pursuant to Article 66B, Section 4.07, of the Annotated Code of the State of Maryland, and §24-187(b) of the Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) which authorizes the Board to hear and decide only those special exceptions as the Board of Appeals is specifically authorized to pass on by the terms of this Chapter.

**Operative Facts**

In 1998, the Mayor and City Council of Gaithersburg approved Ordinance O-21-97, which allows telecommunication facilities, subject to requirements, to be permitted by special exception [§24-160D.3] in the MXD (Mixed Use Development) Zone. The purpose of a use by special exception is to allow the Board of Appeals to prescribe appropriate conditions and limitations on these uses.

Jacqueline Karp, Verizon Wireless, originally filed the application and exhibits on November 16, 2005. The petition requested a special exception to erect a



DRAFT

telecommunications facility consisting of a generator on the ground and twelve (12) telecommunications antennae and related equipment cabinets on the rooftop of 9751 Washingtonian Boulevard. The property is owned by Airline Foods, Inc. and operates as a Marriott Hotel.

In accordance with §24-188(d), the Planning Commission reviewed the special exception request at their February 1, 2006, regularly scheduled meeting. Following introduction and discussion by City of Gaithersburg staff, and a presentation by the petitioner, the Planning Commission analyzed the application and made a recommendation to the Board of Appeals that the special exception be approved with two conditions:

1. At such time as Verizon Wireless ceases to use this facility, the antennas, cabinets and associated equipment shall be removed by the applicant at the applicant's expense.
2. The antennas and equipment cabinet shall be colored to match the existing wall.

The Board of Appeals held a public hearing on Thursday, February 9, 2006, at 7:30 p.m. at City Hall. Notice of the public hearing was published in the January 25, 2006 issue of the *Gaithersburg Gazette*; the property was properly posted, and notices of the public hearing were sent on January 25, 2006 to the petitioner and surrounding property owners.

The Board reviewed 18 exhibits, including the Petitioner's summary of proof, plans and photographs, coverage projection maps and antenna details. Planner Seiden noted that the Planning Commission recommends approval of the petition with two conditions as stated above.

Jacqueline Karp, agent for Verizon Wireless, presented argument on behalf of the petitioner citing the petitioner's compliance with §24-167A, of the Zoning Ordinance and establishing the need for additional capacity along the I-270 corridor. There was no additional testimony, either in favor of or in opposition, to the subject request. Following the testimony and arguments, the Board closed the record.

#### Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) are among the provisions, which define the nature and extent, a special exception that may be granted by this Board and the criteria upon which they may be approved.

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### **DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENTS**

#### **Sec. 24-160 D.3. Uses permitted**

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(d) Special exception uses.

Telecommunications facilities

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**Section-24-167A. Satellite television antennae and towers, poles, antenna and /or other structures intended for use in connection with transmission or receipt of radio or television signals or telecommunications facilities.**

\* \* \*

(D) Telecommunications facilities.

1. Standards when allowed as permitted use:

The following standards apply in those zones in which telecommunications facilities are allowed as a permitted use.

- (a) An antenna and a related unmanned equipment building or cabinet may be installed on a rooftop of buildings on privately owned land which are at least 30 feet in height. An antenna may be mounted on the wall of a building facing the rear lot line at a height of at least 30 feet. An antenna may not be mounted on the rear wall of a building on a through lot. A telecommunications facility antenna must not be mounted on the facade of any building designed or used as a one family residential dwelling. An unmanned equipment building or cabinet may be located on the roof of a building provided it and all other roof structures do not occupy more than 25% of the roof area. Unmanned equipment buildings or cabinets that increase the roof coverage of all roof structures to occupy more than 25% of the roof area may be approved by the board of appeals as a special exception in accordance with Sub-section 2 of this Section.
- (b) Telecommunications antennae may be attached to a free standing monopole on privately owned land. A free standing monopole including antenna structure for a telecommunications facility is permitted up to 199 feet in height with a set back of one foot for every foot of height from all adjoining residentially zoned properties, and a set back of one-half foot for every foot of height from adjoining non-residential properties.
- (c) An unmanned equipment building or cabinet included as part of a telecommunications facility on privately owned land must not exceed 560 square feet and 12 feet in height. Any such equipment building or cabinet must be so located as to conform to the applicable set back standards of the

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zone in which the property is classified.

(d) Public Property.

(i) A private telecommunications facility may be located on public property or attached to an existing structure owned or operated by the City of Gaithersburg and shall be a permitted use in all zones. The use of any property owned or operated by the City shall be at the discretion of the City Council and shall not be subject to the same conditions and requirements as are applicable to such facilities on privately owned property. The City Council may but is not required to hold a public hearing prior to its decision to allow the use of property owned or under the control of the City.

(ii) A private telecommunications facility may be located on public property or attached to an existing structure owned or operated by a county, state, federal or other non-City governmental agency or on the property of an independent fire department or rescue squad subject to the same conditions and requirements as are applicable to such facilities on privately owned property.

(e) All such antennae shall be located and designed so as to minimize visual impact on surrounding properties and from public streets.

(f) No signs are permitted in connection with any telecommunications facility.

(g) No lights are permitted on any monopole or antenna unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City.

(h) All monopoles erected as part of a telecommunications facility must maintain at least three telecommunications carriers provided, however, that a monopole or other support structure designed or engineered to accommodate less than three telecommunications carriers may be permitted by special exception when approved by the Board of Appeals.

(i) No more than one monopole is permitted on a lot or parcel of land and, no two monopoles may be located within 1000 feet of each other in any zone in which such facilities are permitted uses. In any such zones more than one monopole may be permitted on a lot or parcel and two or more monopoles may be located within 1,000 feet of each other by special exception approved by the Board of Appeals. A special exception to permit either the location of more than one monopole on a lot or parcel or two or more monopoles within 1,000 feet of each other may only be approved by the Board of Appeals if the applicant establishes that existing

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telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility. In addition, any such application must comply with all of the other standards and requirements applicable to special exceptions for telecommunications facilities.

- (j) Every free standing monopole or support structure and any unmanned equipment or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use by any telecommunication carrier.

2. Standards and requirements applicable to special exceptions for telecommunications facilities.

- (a) An application for a special exception for a telecommunication facility may be approved by the board of appeals if the board finds that:
  - (1) Complies with all of the standards contained in Section 167A(D)1.
  - (2) The location selected is necessary for the public convenience and service.
  - (3) The location selected is not in an area in which there is an over concentration of freestanding monopoles, towers or similar structures.
  - (4) The location selected for a monopole is more than 300 feet from either the nearest boundary of a historic district or more than 300 feet from the nearest boundary of the environmental setting of a historic resource that is not within a historic district.
  - (5) The location selected for a monopole is suitable for the co-location of at least three (3) telecommunication antennae and related unmanned cabinets or equipment buildings and the facility is designed to accommodate at least three (3) antennae. The holder of a special exception may not refuse to permit the co-location of two additional antennae and related equipment buildings or cabinets unless collocation is technically impractical because of engineering and because it will interfere with existing service. The refusal to allow such co-location without just cause may result in revocation of the special exception.
  - (6) In the event a telecommunications facility is proposed to be located on a rooftop or structure, the board of appeals must find that the building is at least 30 feet in height in any multi-family residential zone or non-residential zone; and 50 feet in height in any one family residential zone. Rooftop telecommunications facilities may not be

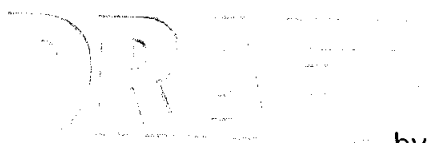
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located on a one family residence.

- (7) In the event a telecommunications antenna is proposed to be located on the facade of a building, the Board of Appeals must find that it is to be located at a height at least 30 feet on a building located in a multi-family residential zone or non-residential zone and at a height greater than fifty (50) feet in any one family residential zone. A telecommunications antenna must not be mounted on the facade of a one family residence.
  - (8) In any residential zone the board of appeals must find that the equipment building or cabinet does not exceed 560 square feet and 12 feet in height, and is faced with brick or other suitable material on all sides and that the facades are compatible with the other building or buildings located on the lot or parcel. Equipment buildings and cabinets must be landscaped to provide a screen of at least three feet. The Board may require that monopoles: 1) be camouflaged; 2) be placed within a part of an existing structure; or 3) be constructed in such a way that the monopole appears to be part of an existing structure.
  - (9) The board must further find that any equipment building or cabinet is located in conformity to the applicable set back standards of the zone.
  - (10) The board must find that the addition of an equipment building or cabinet proposed to be located on the roof of a building, in combination with all other roof structures does not create the appearance of an additional story and does not increase the roof coverage by more than an additional 10 percent. The board must also find that the structure is not visually intrusive.
  - (11) The board must also find that a free standing monopole or other support structure is proposed to hold no less than three telecommunications carriers. The board may approve a monopole or other support structure with fewer than three telecommunications carriers if the applicant establishes that (a) existing telecommunications facilities serving the same service area have no additional capacity to include the applicant's antenna or (b) the applicant establishes that co-location on an existing monopole is technically impractical and that engineering criteria establish the need for the requested facility; and the approval of the application will not result in an over concentration of similar facilities in the surrounding area.
- (b) Area requirements.

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- (1) The minimum parcel or lot area is sufficient to accommodate the location requirements for the monopole or other support structure as hereinafter set forth in subsection (C).
  - (2) In no event may the minimum parcel or lot area be less than the lot area required for the zone in which the monopole or support structure is located.
  - (3) For the purpose of this section, the location requirement is measured from the base of the monopole or other support structure to the perimeter property line.
  - (4) The board of appeals may, upon request of the applicant, reduce the location requirement to not less than the building set back for the applicable zone, provided the board makes the additional finding that the reduced location requirement results in a less visually obtrusive location for the monopole or other support structure. In making that additional finding, the board shall consider the height of the structure, topography, existing vegetation, planned landscaping, the impact on adjoining and nearby residential properties, if any, and the visibility of the monopole or other support structure from adjacent streets.
- (c) Location Requirements for structure. A monopole or other support structure must be located as follows:
- (1) In residential zones, a distance of one foot from the property line for every foot of height of the monopole or other support structure.
  - (2) In non-residential zones, monopoles and other support structures must be located at a distance of one-half foot from the property line of adjacent non-residentially zoned property for every foot of height of the monopole or other support structure. Such structures must be located a distance of one foot from the property line of adjacent residentially zoned property for every foot of height of such structure.
- (d) Signage. No signs are permitted in connection with the establishment of a telecommunications facility.
- (e) Lights. No lights or other illumination devices are permitted on a monopole or other support structure unless required by the Federal Communications Commission, the Federal Aviation Administration or the board.
- (f) Removal of Telecommunications facilities. Every free standing monopole or support structure and any unmanned equipment building or cabinet associated with a telecommunications facility must be removed at the cost of owner of the facility when the telecommunications facility is no longer in use



by the telecommunication carrier.

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## ARTICLE VII. Board of Appeals.

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### **Sec. 24-187. Powers and duties.**

The board of appeals shall have the following functions, powers, and duties:

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(b) Special Exception. To hear and decide only those special exceptions as the board of appeals is specifically authorized to pass on by the terms of this chapter.

The board of appeals is empowered to prescribe appropriate conditions and limitations upon the approval of special exceptions. Special exceptions approved by the board shall be implemented in accordance with the terms and/or conditions set forth in the Board's decision and shall include the requirement that the petitioner shall be bound by all of the petitioner's testimony and exhibits of record, the testimony of the petitioner's witnesses and representations of the petitioner's attorneys, to the extent that such evidence and representations are identified in the board's opinion approving the special exception. Violation of such conditions and limitations shall be deemed a violation of this chapter and, further, shall constitute grounds for revocation of such special exception.

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### **Sec. 24-189. Findings required.**

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(b) Special exceptions. A special exception may be granted when the board of appeals finds from the evidence of record that the proposed use:

(1) Is a permissible special exception within the zone and that the application therefor complies with all procedural requirements set forth in this article chapter and the development standards for the zone within which the intended use will be located;

(2) Complies with all standards and requirements specifically set forth for such use as may be contained in this chapter;

(3) Will not be detrimental to the use, peaceful enjoyment, economic value

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or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, toxicity, glare or physical activity;

(4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structure or conversion of existing structures; as well as the intensity and character of activity, traffic and parking conditions and number of similar uses;

(5) Will be consistent with the master plan or other planning guides or capital programs for the physical development of the district;

(6) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area;

(7) Will be served by adequate public services and facilities, including police and fire protection, water and sanitary sewer, storm drainage, public roads and other public improvements; and

(8) When located in a residential zone where buildings or structures are to be constructed, reconstructed or altered shall, whenever practicable, have the exterior appearance of residential buildings and shall have suitable landscaping, screening or fencing.

### Findings and Conclusions

Based on the petitioner's arguments, binding testimony and evidence of record, the Board finds that the application proposes to construct, operate and maintain twelve (12) antennas flush mounted on the rooftop of the subject building. The petition also includes the installation of a rooftop equipment shelter, approximately 240 square feet (12' x 20') at a height of ten (10) feet. A generator, measuring approximately 40 square feet at a height of eight (8) feet will be located on the ground on the northwest side of the building. The generator will be enclosed within an 8.5 foot board on board fence and will be screened from the parking lot by evergreen landscaping. The location of the telecommunications facility is within the MXD (Mixed Use Development) Zone and is allowed by special exception as stated in §24-160D.3.(d) of the Zoning Ordinance (Chapter 24 of the City Code).

The petitioner has shown that four antennas will be mounted in each of three sectors on the north, east and south building elevations. Within each sector, Verizon will erect two different antenna models. One antenna measures 70" x 14" x 13", and the other antenna model measures 47" x 6" x 5". Verizon requires two types of antennas on the rooftop because the company operates at two different frequencies and needs a different antenna model for each frequency. The petitioner has testified that all the antennas will be flush-mounted to the building wall and will be painted to match the building. No antennas will extend beyond the roof line.



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The petitioner has shown that the average height of the main roof of the building is one hundred and six (106) feet and that the penthouse roof of the building is approximately one hundred and nineteen (119) feet. The propagation maps have shown that the location selected will enhance both the capacity and the coverage of Verizon Wireless telecommunication service for public convenience and service and fill a void within the system of the provider.

The Board finds that the petitioner has proved that the petition is permissible by §24-160D.3.(d), of the Zoning Ordinance and that it also complies with the procedural requirements set forth in Article VII of the Zoning Ordinance provided for the review of special exceptions by the Board of Appeals. The proposed use is consistent with the City of Gaithersburg Master Plan of the area. The petitioner has shown compliance with the standards and requirements specifically set forth for telecommunication facilities in §24-167A(D)(1) and (2) as discussed above.

The testimony of the petitioner's representatives has shown that such use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood, and will cause no objectionable vibrations, fumes, odors, dust, toxicity, glare or physical activity. The applicant has shown that this use will also not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

The petitioner has shown that this petition is in harmony with the general character of the neighborhood in relation to the design, color and scale of the antennae. Because the use will only require monthly maintenance checks consisting of one vehicle, this use will not impact the traffic or parking conditions within the neighborhood and the existing property. The existing building is already served by adequate public facilities and the proposed use will not increase the need for more services.

In conclusion, the Board of Appeals has found that the petitioner has submitted sufficient evidence, arguments and testimony for the approval of a telecommunications facility consisting of twelve (12) antennas and supporting equipment cabinets and generator at 9751 Washingtonian Boulevard, Washingtonian Center, Gaithersburg, Maryland. The petitioner has shown compliance with §24-167A(D)(1) and (2) and §24-189(b) subject to the following conditions:

1. At such time as Verizon Wireless ceases to use this facility, the antennae, cabinets and associated equipment shall be removed by the petitioner at the petitioner's expense;
2. The antennas and equipment shelter mounted to the rooftop shall be colored to match the existing wall;
3. Prior to the issuance of a building permit, applicant is to provide an executed lease from the property owner that requires at such time as Verizon Wireless

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ceases to operate, that the antennas, cabinets and associated equipment must be removed;

4. Installation of antennas and associated equipment must be completed by February 9, 2007.

### RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Board of Appeals of the City of Gaithersburg on the 9th day of February, 2006, that Case A-522, the petition of Jacqueline Karp, agent for Verizon Wireless, requesting a special exception for a telecommunications facility in the MXD (Mixed Use Development) Zone on Parcel A, Washingtonian Center, Gaithersburg, Maryland, be APPROVED with the following conditions:

1. At such time as Verizon Wireless ceases to use this facility, the antennae, cabinets and associated equipment shall be removed by the petitioner at the petitioner's expense;
2. The antennas and equipment shelter mounted to the rooftop shall be colored to match the existing wall;
3. Prior to the issuance of a building permit, applicant is to provide an executed lease from the property owner that requires at such time as Verizon Wireless ceases to operate, that the antennas, cabinets and associated equipment must be removed;
4. Installation of antennas and associated equipment must be completed by February 9, 2007;

Adopted unanimously by the Board of Appeals of the City of Gaithersburg on the 9th day of February, 2006. Board Members Kaye, Knoebel, Macdonald, Trojak and Rieg, being present and voting in favor of the action.

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Harvey Kaye, Chairperson  
Board of Appeals

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DATE

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City of Gaithersburg Board of Appeals, in a public meeting assembled, on the 9th day of February, 2006

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Caroline Seiden, Planner  
Staff Liaison to the Board of Appeals

Any decision by the City Board of Appeals may, within thirty (30) days after the decision is rendered be appealed by any person aggrieved by the decision of the Board and a part to the proceeding before it, to the Circuit Court for Montgomery County in accordance with the Maryland Rules of Procedure.

The Board of Appeals may reconsider its decision in accordance with its Rules of Procedure upon the request of any party; provided such request is received by writing not more than ten (10) days from the date the Board of Appeals renders its final decision.